

**TOWN OF ASHBURNHAM
BOARD OF HEALTH
STABLE REGULATIONS**

I. **AUTHORITY** – In accordance with the authority granted by the General Laws, Ch. III, Sec. 155-157 and Sec. 31, the Board of Health of the Town of Ashburnham hereby establishes the following regulations for Stables.

II. **PURPOSE** – The purpose of these regulations is to preserve the Public Health by requiring proper drainage, ventilation, size and character of stalls, bedding, number of animals, and the storage and handling of manure in any stable.

III. **DEFINITIONS:** (for the purpose of these regulations the following words shall have the following meaning)

- a. **AGENT** shall be the Board's appointed representative. Agents shall include, but are not limited to, Nashoba Associated Boards of Health, the Animal Inspector or others appointed by the Board.
- b. **FARMING and AGRICULTURE** shall include farming in all its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising and keeping of livestock including horses, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals and any practices including any forestry or lumbering operation, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.
- c. **FARMER** shall mean any person who is principally and substantially engaged in the occupation of farming or the raising of horses, livestock, or poultry, excluding domestic pets, on land owned or controlled by him/her for an ultimate commercial purpose.
- d. **PUBLIC STABLE** shall include any stable where horses are kept for hire to the general public and shall include, but not be limited to, guided and unguided riding or carriage driving.
- e. **PRIVATE STABLE** shall include any stable where horses are kept for hire to the general public and shall include, but not be limited to, guided and unguided riding or carriage driving.

- f. TURNOUT shall mean a fenced-in area in which a horse is let free for the purpose of self exercise.
- g. Lot shall mean a parcel of land owned by a person that is deeded and recorded to show ownership, dimension, lot lines and may include existing buildings.
- h. VECTOR CONTROL shall mean the effective control of insects and rodents so that they do not cause a Public Health nuisance.
- i. STABLE shall mean a structure used to provide shelter for a horse.

IV. EXISTING STABLES:

All existing horse owners must apply for a Town of Ashburnham Stable Permit. The owners of horses must apply for the permit within ninety (90) days from the date these regulations are published. The only sections of these regulations to apply to existing stables are, VII. Sanitary Controls and X. Locations (except subsection d). Those owners of existing stables, who can not meet these specific sections, may apply for the needed variances.

V. APPLICABILITY OF PERMIT:

- a. Owners of land who qualify as "Agriculture or Farming" under M.G.L. Ch. 128, Sec. 1A and whose owner/operator is a Farmer are exempt from these regulations.
- b. All other landowners and owner/operators must apply for a Public or Private Stable Permit as applicable by definition and meet the Stable Regulations in order to be issued a Town of Ashburnham Stable Permit.
- c. Once issued the stable license will remain in effect until the property owner sells the property for which the license has been issued. Licenses are not transferable without the prior approval of the Board of Health.

VI. APPLICATION FOR A PRIVATE OR PUBLIC STABLE PERMIT

Applicants for a stable permit shall do the following:

- a. read the Ashburnham Stable Regulations,
- b. submit the completed applications and fee to the Board of Health, or its Agent (fee to be set in the spring of 1998 by a Town Meeting vote)
- c. comply with the regulations as written.

VII. SANITARY CONTROLS

- a. In general, the following minimum sanitary requirements are to be met.
 - 1. All horses are to be maintained in a clean and healthy manner.
 - 2. Insects (flies) shall be controlled through the use of fly tapes, sprays, fogs and/or other means demonstrated effective in the stable(s) and around the manure storage area.
 - 3. Vermin (mice, rats and other rodents) shall be controlled through the use of bait boxes, traps and/or other means demonstrated effective.
 - 4. The sanitary maintenance of the stable and manure storage area and property storage of feed shall reduce the incidences of vectors.
 - 5. Grain must be kept in a rodent-proof container.
 - 6. Manure
 - a. Stalls must be cleaned daily.
 - b. Manure will not be allowed to drain or run-off into any wetlands or water resource area.
 - c. Manure shall be stored to prevent vector problems.
 - d. No more than one (1) cord (128 cu. ft.) of manure and bedding shall be allowed to accumulate on the property, nor shall the storage thereof cause nuisance to abutters or the public. Exceptions to this may be granted by the Board if the applicant demonstrates that the manure can be stored without causing a nuisance.

VIII. HOUSING

All horses must have access to shelter. The minimum requirements for the provided shelters are found in the guidelines by the Massachusetts Department of Agriculture, Division of Animal Health.

IX. LOT REQUIREMENTS

- a. All persons requesting a private stable permit shall have enough land to maintain their animals in a sanitary manner and one which does not create a nuisance to their abutters.
- b. All persons requesting a public stable permit shall have at least five (5) acres of land.
- c. All fencing shall be a minimum of four (4) feet in height and may consist of wood, woven wire, electric-charged fencing with signs every 50 feet, stone walls or other materials that will effectively contain but not be harmful to the animals. Barbed-wire fencing WILL NOT be permitted.

X. LOCATIONS

- a. All turnout areas and stables must be 50 feet from vegetated wetlands and 100 feet from the actual water's edge.
- b. All manure must be stored at least 100 feet from all wetlands.
- c. All turnout areas, manure storage and stables must be 100 feet from private wells.
- d. All turnout areas, manure storage and stables shall be at least 100' from the abutter's residences. The Board may increase this distance to protect the public health. Upon submission of an application for a stable permit, the Board, or its Agent, reserves the right to inspect the location of the proposed stable to determine compliance with this section is met.

XI. DEAD ANIMALS

Dead animals shall be buried, incinerated, or disposed of promptly in such a way as to prevent the attraction of flies and the generation of odors. If an animal must be destroyed, it shall be done in a humane matter. If buried, the animal shall be put in a hole, the bottom of which shall be a minimum of four (4') feet above high groundwater and covered with at least six (6) feet of compacted dirt. The burial site shall be at least fifteen (15) feet from property lines and one hundred (100) feet from any well or wetlands. The Board of Health, or its Agent, must be notified of the proposed burial site in advance. If unable to contact the Board of Health in a timely manner on weekends or holidays, then the animal may be buried in accordance with the restrictions outlined above and the Board of Health notified on the first working day following the burial.

XII. VARIANCE CLAUSE

Variances may be granted by the Ashburnham Board of Health with respect to any particular case when, in its opinion, the applicant has provided that the same degree of compliance can be achieved without strict application of the particular provision.

The process for obtaining a variance is listed below.

- a. Submit a written request, which shall include the following information; specific section(s) of the regulations which relief is sought, the reasons for the request and may include any sketches or additional information that would be useful to the Board in making its decision. The Board will schedule the requested hearing within sixty (60) days of the request.
- b. All abutters shall be notified of the variance hearing at least ten (10) days prior to the hearing by certified mail. The return receipts shall be presented to the Board of Health at the hearing.
- c. At the hearing the applicant may present their request(s) and any related materials. If the Board feels that a site visit is warranted, it will continue the hearing until the visit can be arranged.
- d. Once the hearing is closed, the Board will vote on the requested variance(s).

XIII. ENFORCEMENT

These regulations can be enforced by the Board of Health, the Animal Inspector, the Nashoba Associated Board of Health, or by any other appointed Agent of the Board.

XIV. SEVERABILITY CLAUSE

If any section, paragraph, sentence, clause or phrase of these rules and regulations is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate and distinct provision and such decision shall not affect the validity of the remaining portion of the regulations which shall remain in full force and effect, and to this end, the provisions of the rules and regulations are hereby declared severable.

XV. PENALTIES

Following notice of violation of any section of the preceding regulations, and a reasonable time for the correction, the owner or agent responsible for such violation may be subject to a fine of five (5) dollars per day that said violations exist and to the revocation of his/her permit (M.G.L. Ch. 111, Sec. 157).

